



General Assembly

Amendment

February Session, 2018

LCO No. 5203



Offered by:

REP. FOX, 148th Dist.

REP. DEVLIN, 134th Dist.

To: Subst. House Bill No. **5517**

File No. 489

Cal. No. 323

"AN ACT CONCERNING EXECUTIVE BRANCH DATA MANAGEMENT AND PROCESSES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) As used in this section and
4 sections 2 and 3 of this act:

5 (1) "Data" means the final version of statistical or factual information
6 that: (A) Is reflected in a list, table, graph, chart or other non-narrative
7 form that can be digitally or nondigitally transmitted or processed; (B)
8 is regularly created or maintained by, or on behalf of, an executive
9 branch agency; and (C) records a measurement, transaction or
10 determination related to the mission of the agency or is provided to the
11 agency by third parties pursuant to law.

12 (2) "Executive branch agency" means any agency listed in section 4-
13 38c of the general statutes, except the Board of Regents for Higher

14 Education.

15 (3) "High value data" means any data that the department head
16 determines (A) is critical to the operation of an executive branch
17 agency; (B) can increase executive branch agency accountability and
18 responsiveness; (C) can improve public knowledge of the executive
19 branch agency and its operations; (D) can further the core mission of
20 the executive branch agency; (E) can create economic opportunity; (F)
21 is frequently requested by the public; (G) responds to a need and
22 demand as identified by the agency through public consultation; or
23 (H) is used to satisfy any legislative or other reporting requirements.

24 (4) "Open data" means any data that (A) is freely available in
25 convenient and modifiable format and can be retrieved, downloaded,
26 indexed and searched; (B) is formatted in a manner that allows for
27 automated machine processing; (C) does not have restrictions
28 governing use; (D) is published with the finest possible level of detail
29 that is practicable and permitted by law; and (E) is described in
30 enough detail so users of the data have sufficient information to
31 understand (i) the strengths, weaknesses, analytical limitations and
32 security requirements of the data, and (ii) how to process such data.

33 (5) "Public data" means any data collected by an executive branch
34 agency that is permitted to be made available to the public, consistent
35 with any and all applicable laws, rules, regulations, ordinances,
36 resolutions, policies or other restrictions, requirements or rights
37 associated with the data, including, but not limited to, contractual or
38 other legal restrictions, orders or requirements.

39 (6) "Protected data" means any data the public disclosure of which
40 would (A) violate federal or state laws or regulations; (B) endanger the
41 public health, safety or welfare; (C) hinder the operation of the federal,
42 state or municipal government, including criminal and civil
43 investigations; or (D) impose an undue financial, operational or
44 administrative burden on the executive branch agency. "Protected
45 data" includes any records not required to be disclosed pursuant to

46 subsection (b) of section 1-210 of the general statutes.

47 Sec. 2. (NEW) (*Effective from passage*) (a) The Secretary of the Office
48 of Policy and Management shall designate an employee of the Office of
49 Policy and Management to serve as Chief Data Officer. The Chief Data
50 Officer shall be responsible for (1) directing executive branch agencies
51 on the use and management of data to enhance the efficiency and
52 effectiveness of state programs and policies, (2) facilitating the sharing
53 and use of executive branch agency data (A) between executive branch
54 agencies, and (B) with the public, (3) coordinating data analytics and
55 transparency master planning for executive branch agencies, and (4)
56 creating the state data plan in accordance with subsection (c) of this
57 section. The Chief Data Officer shall carry out the responsibilities set
58 forth in subdivisions (1) to (3), inclusive, of this subsection in
59 accordance with the state data plan created pursuant to subsection (c)
60 of this section.

61 (b) Each executive branch agency shall designate an employee of the
62 agency to serve as the agency data officer, who shall be responsible for
63 implementing the provisions of this section and who shall serve as the
64 main contact person for inquiries, requests or concerns regarding
65 access to the data of such agency. The agency data officer, in
66 consultation with the Chief Data Officer and the executive agency
67 head, shall establish procedures to ensure that requests for data that
68 the agency receives are complied with in an appropriate and prompt
69 manner.

70 (c) Not later than December 31, 2018, and every two years
71 thereafter, the Chief Data Officer, in consultation with the agency data
72 officers and executive branch agency heads, shall create a state data
73 plan. The state data plan shall (1) establish management and data
74 analysis standards across all executive branch agencies, (2) include
75 specific, achievable goals within the two years following adoption of
76 such plan, as well as longer term goals, (3) make recommendations to
77 enhance standardization and integration of data systems and data
78 management practices across all executive branch agencies, (4) provide

79 a timeline for a review of any state or federal legal concerns or other
80 obstacles to the internal sharing of data among agencies, including
81 security and privacy concerns, and (5) set goals for improving the
82 online repository established pursuant to subsection (i) of this section.
83 Each state data plan shall provide for a procedure for each agency
84 head to report to the Chief Data Officer regarding the agency's
85 progress toward achieving the plan's goals. Such plan may make
86 recommendations concerning data management for the legislative or
87 judicial branch agencies, but such recommendations shall not be
88 binding on such agencies.

89 (d) The Chief Data Officer shall submit a preliminary draft of such
90 plan to the Connecticut Data Analysis Technology Advisory Board
91 established under section 3 of this act not later than November 1, 2018,
92 and every two years thereafter. Said board shall hold a public hearing
93 on such draft and shall submit any suggested revisions to the Chief
94 Data Officer not later than thirty days after receipt of such draft.

95 (e) After the public hearing and if applicable, receiving any
96 recommended revisions from the board, the Chief Data Officer shall
97 finalize such plan and submit the final plan to the board. The Chief
98 Data Officer shall send a copy of the final state data plan to all agency
99 data officers and shall post such plan on the Internet web site of the
100 Office of Policy and Management.

101 (f) Information technology-related actions and initiatives of all
102 executive branch agencies, including, but not limited to, the acquisition
103 of hardware and software and the development of software, shall be
104 consistent with the final state data plan.

105 (g) On or before December 31, 2018, and not less than annually
106 thereafter, each executive branch agency shall conduct an inventory of
107 any high value data that is collected or possessed by the agency. Such
108 inventory shall be in a form prescribed by the Chief Data Officer. In
109 conducting such inventory, data shall be presumed to be public data
110 unless otherwise classified by federal or state law or regulation. On or

111 before December 31, 2018, and not less than annually thereafter, each
112 executive branch agency shall submit such inventory to the Chief Data
113 Officer and the Connecticut Data Analysis Technology Advisory
114 Board.

115 (h) Each executive branch agency shall develop an open data access
116 plan. Such plan shall be in a form prescribed by the Office of Policy
117 and Management and shall detail the agency's plan to publish, as open
118 data, any public data that the agency has identified and any protected
119 data that can be made public through aggregation, redaction of
120 individually identifiable information or other means sufficient to
121 satisfy applicable state or federal law or regulation.

122 (i) The Office of Policy and Management shall operate and maintain
123 an online repository for the publication of open data by executive
124 branch agencies.

125 (j) Any state agency that is not an executive branch agency and any
126 quasi-public agency or municipality may voluntarily opt to comply
127 with the provisions of this section and, upon submission of written
128 notice of the agency's or municipality's decision to the Office of Policy
129 and Management, the provisions of this section shall apply to such
130 agency or municipality. Any state or quasi-public agency or any
131 municipality that voluntarily opts to comply with the provisions of
132 this section may opt out of complying with this section upon
133 submission of written notice of the agency's or municipality's decision
134 to the Office of Policy and Management. The Office of Policy and
135 Management shall create and maintain a list of all agencies subject to
136 the provisions of this section, including those agencies and
137 municipalities that have voluntarily opted to comply, and shall publish
138 such list on the office's Internet web site and update such list as
139 necessary.

140 Sec. 3. (NEW) (*Effective from passage*) (a) There is established the
141 Connecticut Data Analysis Technology Advisory Board, which shall be
142 part of the Legislative Department.

143 (b) The board shall consist of the following members: (1) Two
144 appointed by the speaker of the House of Representatives; (2) two
145 appointed by the president pro tempore of the Senate; (3) two
146 appointed by the minority leader of the House of Representatives; and
147 (4) two appointed by the minority leader of the Senate. All appointed
148 members shall have professional experience or academic qualifications
149 in data analysis, data management, data policy or related fields and
150 may not be a member of the General Assembly. Additional nonvoting
151 ex-officio members shall include the following officials, or their
152 designees: The Commissioner of Administrative Services, the executive
153 director of the Freedom of Information Commission, the Attorney
154 General, the Chief Court Administrator, the State Librarian, the
155 Treasurer, the Secretary of the State, the Comptroller and the Chief
156 Data Officer. The Chief Data Officer shall serve as the nonvoting
157 chairperson of the board.

158 (c) All initial appointments to the board shall be made not later than
159 July 1, 2018. The terms of the appointed members shall be coterminous
160 with the terms of the appointing authority for each member. Any
161 vacancy shall be filled by the appointing authority. Any vacancy
162 occurring other than by expiration of term shall be filled for the
163 balance of the unexpired term. A member of the board may serve more
164 than one term. The chairperson shall schedule the first meeting of the
165 board, which shall be held not later than August 1, 2018.

166 (d) The administrative staff of the joint standing committee of the
167 General Assembly having cognizance of matters relating to
168 government administration shall serve as administrative staff of the
169 board, with assistance as needed provided by employees of the Offices
170 of Legislative Research and Fiscal Analysis.

171 (e) The board shall have the following powers and duties: (1) To
172 advise the executive, legislative and judicial branches of government
173 and municipalities concerning data policy, including, but not limited
174 to, best practices in the public, private and academic sectors for data
175 analysis, management, storage, security, privacy and visualization and

176 the use of data to grow the economy; (2) to advise the Office of Policy
177 and Management regarding the online repository established under
178 section 2 of this act; (3) to issue reports and recommendations in
179 accordance with section 11-4a of the general statutes; (4) upon the
180 request of at least two members of the board, to request any agency
181 data officer or agency head to appear before the board to answer
182 questions; (5) to request from any executive department, board,
183 commission or other agency of the state such assistance and data as
184 necessary and available to carry out the purposes of this section; (6) to
185 make recommendations to the legislative leaders and the directors of
186 the offices of Fiscal Analysis and Legislative Research regarding data
187 analysis skills and related expertise that the leaders and said offices
188 may seek to cultivate among their staff through training or as a
189 consideration when hiring staff; and (7) to establish bylaws to govern
190 its procedures.

191 (f) The board shall meet at least twice a year and may meet at such
192 other times as deemed necessary by the chairperson or a majority of
193 the members of the board.

194 Sec. 4. Section 4-68z of the general statutes is repealed and the
195 following is substituted in lieu thereof (*Effective July 1, 2018*):

196 The Office of Policy and Management, within available
197 appropriations, shall [enter into an agreement for consultant services
198 to apply LEAN practices and principles to the permitting and
199 enforcement processes of the Departments of Energy and
200 Environmental Protection, Economic and Community Development,
201 Administrative Services and Transportation that are most frequently
202 utilized by business entities. Such agreement shall also require the
203 consultant to apply LEAN practices and principles to the licensure
204 procedures for commercial bus drivers that are currently performed by
205 the Departments of Consumer Protection, Emergency Services and
206 Public Protection, and Children and Families. Such consultant shall
207 develop recommendations for the implementation of a prepermitting
208 system for commercial bus drivers that enables businesses to utilize

209 commercial bus drivers who await the applicable licensing authority's
210 performance of a criminal background check] establish and oversee a
211 state-wide process improvement initiative, to assist executive branch
212 agencies, as defined in section 1 of this act, with business process
213 analysis for purposes of (1) streamlining processes, (2) optimizing
214 service delivery through information technology, (3) eliminating
215 unnecessary work, (4) establishing standardized work flows, and (5)
216 prioritizing available resources to promote economic growth, improve
217 services and increase workforce productivity. The Secretary of the
218 Office of Policy and Management shall establish a steering committee
219 to support such initiative. The secretary, or the secretary's designee,
220 shall be the chairperson of such committee.

221 Sec. 5. Section 4-60s of the general statutes is repealed and the
222 following is substituted in lieu thereof (*Effective July 1, 2018*):

223 (a) Each state agency of the Executive Department shall explore the
224 feasibility of converting all applications and forms used by the public
225 to electronic format and create an inventory of all forms used by such
226 agency.

227 (b) Notwithstanding the provisions of chapter 54, an agency, as
228 defined in section 4-166, may suspend any requirements for paper
229 filing or service of documents requirements contained in any
230 regulation adopted by such agency pursuant to subdivision (1) of
231 subsection (a) of section 4-167 and may establish an electronic filing
232 system for formal and informal agency proceedings. Such agency,
233 before establishing such a system, shall give at least thirty days' notice
234 by posting on its Internet web site and publishing in the Connecticut
235 Law Journal a notice of its intended action and the instructions for the
236 use of such system. [Any agency establishing such a system shall grant
237 a request from a person, as defined in section 4-166, for an exemption
238 from any electronic filing requirements due to a hardship
239 communicated in writing to the agency, including, but not limited to, a
240 lack of access to a device capable of electronic filing or the
241 incompatibility of a specific filing with the electronic filing system.]

242 (c) Notwithstanding the provisions of chapter 54, an agency, as
243 defined in section 4-166, may suspend any requirement established in
244 any regulation adopted by such agency for the paper or facsimile
245 submission of documents or data required to be submitted to such
246 agency by federal or state statute or regulation, or a license, as defined
247 in section 4-166, and require electronic filing of such documents or
248 data or any other information required to be submitted to such agency
249 in writing, in a manner prescribed by the agency. Prior to the
250 establishment of such electronic filing requirements, the agency shall
251 provide at least thirty days' notice on its Internet web site and in the
252 Connecticut Law Journal and include with the notice the agency's
253 instructions for electronic filing. Such instructions shall be maintained
254 on the agency's Internet web site as long as the agency requires
255 electronic filing of such documents and data.

256 (d) Any agency establishing an electronic filing system in
257 accordance with subsection (b) of this section or requiring the
258 electronic filing of documents or data as described in subsection (c) of
259 this section shall grant a request from a person, as defined in section 4-
260 166, for an exemption from any such electronic filing requirements due
261 to a hardship communicated in writing to the agency, including, but
262 not limited to, a lack of access to a device capable of electronic filing or
263 the incompatibility of a specific filing with the agency's electronic filing
264 system.

265 Sec. 6. (NEW) (*Effective from passage*) (a) As used in this section:

266 (1) "Digital parcel file" means a computer file or files containing a
267 graphic vector representation of the boundary information originally
268 depicted and maintained on a town assessor's maps, including, but not
269 limited to, fee ownership, public and private rights of way, and
270 easements, that are typically created in and maintained using a
271 geographic information system or computer aided design software;

272 (2) "Assessor database" means the database of property assessment
273 information maintained by the town assessor; it is also referred to as

274 the tax list, property list, Computer Aided Mass Appraisal system, or
275 Computer Aided Mass Appraisal database; and

276 (3) "Property" means a record in an assessor database.

277 (b) On or before May 1, 2019, and not less than annually thereafter,
278 each town that possesses or contracts for services for the creation or
279 maintenance of a digital parcel file shall transmit such file to the
280 regional council of governments of which it is a member. If a town is
281 not a member of a council of governments, such file shall be
282 transmitted to the Secretary of the Office of Policy and Management.
283 The digital parcel file shall include, but need not be limited to: (1) Any
284 information from the assessor database that (A) uniquely identifies
285 each property in the digital parcel file, (B) identifies the size of each
286 property, (C) identifies the address of each property, (D) identifies the
287 value of the land, buildings and other improvements for each
288 property, and (E) identifies the year in which buildings were
289 constructed for each property; and (2) any other information deemed
290 necessary by the applicable regional council of governments.

291 (c) On or before July 1, 2019, and annually thereafter, each regional
292 council of governments shall submit a report to the Secretary of the
293 Office of Policy and Management and, in accordance with the
294 provisions of section 11-4a of the general statutes, to the joint standing
295 committee of the General Assembly having cognizance of matters
296 relating to planning and development, that lists each town that (1) has
297 failed to provide its digital parcel file, and (2) does not possess a digital
298 parcel file.

299 Sec. 7. Section 1-84 of the 2018 supplement to the general statutes is
300 amended by adding subsection (s) as follows (*Effective from passage*):

301 (NEW) (s) Notwithstanding the provisions of this section or any
302 other provision of this part, a state employee who is employed at a
303 constituent unit of the state system of higher education and a member
304 of the immediate family of such state employee may be employed in
305 the same department or division of such constituent unit, provided the

306 constituent unit has determined that procedures have been
 307 implemented to ensure that any final decisions impacting the financial
 308 interests of either such state employee, including decisions to hire,
 309 promote, increase the compensation of or renew the employment of
 310 such state employee, are made by another state employee who is not a
 311 member of the immediate family of such state employee."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2018</i>	4-68z
Sec. 5	<i>July 1, 2018</i>	4-60s
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	1-84